

**Minutes of the Grinnell City Council Meeting
Monday, May 2, 2005**

The City Council of the City of Grinnell met in regular session in the Council Chambers of the Grinnell Community Center, 927 4th Avenue, Grinnell, Iowa, at 7:00 p.m., Monday, May 2, 2005. Mayor Canfield presided.

Roll Call: PRESENT: Elliott, White, Worley, Wilson, Witt
 ABSENT: McNaul.

PERFECTING AND APPROVAL OF AGENDA:

Moved by WHITE, second by WORLEY, to approve the Agenda and the Consent Agenda as presented. Roll Call Vote: Ayes: White, Worley, Wilson, Elliott, Witt. Motion carried.

CONSENT AGENDA:

- A. Previous minutes as drafted from the Monday, April 18, 2005 Regular Session.
- B. Approval of the Class B Liquor License Application submitted by Pizza Hut, 1033 Broad Street.
- C. Approval of the request submitted by Mr. Robert Latting in regard to the blocking of streets for the 32nd Annual Auto Show and Swap Meet in Central Park in Sunday, June 26, 2005.

Wilson commented that due to the scheduled construction of 4th Avenue, the request may need to be adjusted from normal practice. He suggested that the car show workers meet with the mayor to review their plan prior to the show dates.

APPROVAL OF CLAIMS:

Moved by WHITE, second by WORLEY, to pay all bills where funds are available. Roll Call: Ayes: White, Worley, Elliott, Wilson, Witt. Motion carried.

COMMUNICATIONS/MEETING MINUTES:

- A. Finance Committee: April 18, 2005.
- B. Public Works and Grounds Committee: April 18, 2005.
- C. Planning Committee: April 18, 2005.
- D. Public Safety Committee: April 25, 2005.
- E. Tourism: March 16 and April 20, 2005.
- F. City Council Special Session: April 25, 2005.
- G. Human Rights Commission: April 18, 2005.
- H. Stewart Library: April 25, 2005.
- I. Thank You: The Galaxy, Grinnell College Mortar Board
- J. Award of the Tree City USA status.
- K. Introduction of the new fire department volunteers: Evelyn Ferraz and Chad Nath.

PUBLIC HEARINGS:

- A. In regard to the plans and specifications, proposed form of contract, and estimate of cost for construction of the 8th Avenue water main for the city of Grinnell, Iowa.

Mayor Canfield opened the hearing at 7:06 pm. Hage noted that no comments or objections had been received prior to the meeting. Mayor Canfield called for comments and objections from those present. There were none.

Moved by WHITE, second by ELLIOTT, to close the public hearing at 7:07 pm. Roll Call Vote: Ayes: White, Elliott, Witt, Worley, Wilson. Motion carried.

Moved by ELLIOTT, second by WITT, to approve and adopt Resolution No. 2778: "A RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST 8TH AVENUE WATER MAIN." Roll Call Vote: Ayes: Elliott, Witt, Wilson, White, Worley. Motion carried.

Moved by ELLIOTT, second by WITT, to approve and adopt Resolution No. 2779: "A RESOLUTION MAKING AWARD OF CONSTRUCTION CONTRACT – 8TH AVENUE WATER MAIN TO BDL ENTERPRISES, INC. OF MARSHALLTOWN, IOWA IN THE AMOUNT OF \$242,830.95." Roll Call Vote: Ayes: Elliott, Witt, Worley, Wilson, White. Motion carried.

- B. In regard to the plans and specifications, proposed form of contract, and estimate of cost for the construction of the 10th Avenue pavement replacement project for the city of Grinnell, Iowa.

Mayor Canfield opened the hearing at 7:09 pm. Hage noted that no comments or objections had been received prior to the meeting. Mayor Canfield called for comments and objections from those present. There were none.

Moved by ELLIOTT, second by WHITE, to close the public hearing at 7:10 pm. Roll Call Vote: Ayes: Elliott, White, Wilson, Witt, Worley. Motion carried.

Moved by ELLIOTT, second by WITT, to approve and adopt Resolution No. 2780: "A RESOLUTION ADOPTING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST 10TH AVENUE PAVEMENT REPLACEMENT." Roll Call Vote: Ayes: Elliott, Witt, Worley, Wilson, White. Motion carried.

Moved by ELLIOTT, second by WITT, to approve and adopt Resolution No. 2781: "A RESOLUTION MAKING AWARD OF CONSTRUCTION CONTRACT – 10TH AVENUE PAVEMENT REPLACEMENT TO T K CONCRETE OF PELLA, IOWA IN THE AMOUNT OF \$186,978.00." Roll Call Vote: Ayes: Elliott, Witt, White, Wilson, Worley. Motion carried.

- C. In regard to the FY06 Budget Estimates.

Mayor Canfield opened the hearing at 7:13 pm. Hage noted that no comments or objections had been received prior to the meeting. Mayor Canfield called for comments and objections from those present. There were none.

Moved by WHITE, second by ELLIOTT, to close the public hearing at 7:14 pm. Roll Call Vote: Ayes: White, Elliott, Wilson, Worley Witt. Motion carried.

Moved by WHITE, second by WORLEY, to approve the FY06 Budget Estimates. Roll Call Vote: Ayes: White, Worley, Elliott, Witt, Wilson. Motion carried.

COMMITTEE BUSINESS:

I. Report from the Finance Committee.

- Review of the request from The King and His Court in regard to the agreement and release of liability.

There was no action taken on this item.

- Discussion in regard to the Engineered Plastics Components CDBG-EDSA disallowance.

Moved by WHITE, second by ELLIOTT, to authorize the City Manager to draft a letter and to authorize the Mayor to sign the letter to the Iowa Department of Economic Development in regard to the EPC CDBG-EDSA. Roll Call Vote: Ayes: White, Elliott, Wilson, Worley, Witt.

- Review resolution and ballot language in regard to the Hotel/Motel Tax vote in November, 2005.

Moved by WHITE, second by ELLIOTT, to approve and adopt Resolution No. 2782: "A RESOLUTION CALLING FOR A VOTE UPON A PROPOSITION LEVYING A 7% HOTEL-MOTEL TAX WITHIN THE CITY OF GRINNELL, IOWA." Roll Call Vote: Ayes: White, Elliott, Witt, Worley, Wilson. Motion carried.

- Review resolution in regard to the Grinnell Recreation Trail Application to the Federal Recreation Trail Program of the Iowa Department of Transportation.

Moved by WHITE, second by ELLIOTT, to approve and adopt Resolution No. 2785: "A RESOLUTION TO APPROVE THE GRINNELL RECREATION TRAIL APPLICATION TO THE FEDERAL RECREATIONAL TRAIL PROGRAM OF THE IOWA DEPARTMENT OF TRANSPORTATION." Roll Call Vote: Ayes: White, Elliott, Wilson, Worley, Witt. Motion carried.

- Review of the policy for preparing meeting agendas.

The policy is still under review.

- Review city policy for access of public records.

White commented that the committee will be working to update the policy.

- Review of the requests for assistance from the Campbell Fund.

The requests were approved as presented.

II. Report from the Public Works and Grounds Committee.

- Review of the Application and Agreement for Use of Highway Right of Way for Utilities Accommodation submitted by Wal-Mart. (Please note: There are two permits proposed for review.)

Moved by ELLIOTT, second by WITT, to approve the Applications and Agreements for Use of Highway Right of Way for Utilities Accommodation submitted by Wal-Mart. Roll Call Vote: Ayes: Elliott, Witt, Worley, Wilson, White. Motion carried.

- Schedule the public hearing on the proposed plans, specifications, form of contract and estimate of cost for the construction of an 8 Stall Nested T-Hanger for Monday, May 16, 2005 at 7:00 pm accepting bids until 1:30 pm on May 12, 2005.

Moved by ELLIOTT, second by WITT, to schedule the public hearing on the proposed plans, specifications, form of contract and estimate of cost for the construction of an 8 Stall Nested T-Hanger for Monday, May 16, 2005 at 7:00 pm accepting bids until 1:30 pm on May 12, 2005. Roll Call Vote: Ayes: Elliott, Witt, Wilson, White, Worley. Motion carried.

- Schedule the public hearing on the proposed plans, specifications, form of contract and estimate of cost for the T-Hanger Access Taxiway Improvements for Monday, May 16, 2005 at 7:00 pm accepting bids until 2:00 pm on May 12, 2005.

Moved by ELLIOTT, second by WITT, to Schedule the public hearing on the proposed plans, specifications, form of contract and estimate of cost for the T-Hanger Access Taxiway Improvements for Monday, May 16, 2005 at 7:00 pm accepting bids until 2:00 pm on May 12, 2005. Roll Call Vote: Elliott, Witt, Worley, Wilson, White. Motion carried.

- Review of pay request No. 3 for Rasch Construction for work completed on Lang Creek Crossing – Phase 1A. (See Resolution No. 2786.)

Moved by ELLIOTT, second by WITT, to approve and adopt Resolution No. 2786: “A RESOLUTION AUTHORIZING PAYMENT OF CONTRACTOR’S PROGRESS PAYMENT NO. 3 IN THE AMOUNT OF \$103,753.30 TO RASCH CONSTRUCTION OF FORT DODGE, IOWA FOR WORK COMPLETED ON THE LANG CREEK CROSSING – PHASE 1A.” Roll Call Vote: Ayes: Elliott, Witt, Wilson, White, Worley. Motion carried.

- Schedule the public hearing on the proposed plans, specifications, form of contract and estimate of cost for the 2005 seal coat street project for Monday, May 16, 2005 accepting bids until Thursday, May 12, 2005 at 2:30 pm.

Elliott stated that there will be a bid for city streets and one bid received for cemetery. The project will be bid by unit cost. Once the bids are received, the committee will finalize the streets that will be paved.

Moved by ELLIOTT, second by WITT, to Schedule the public hearing on the proposed plans, specifications, form of contract and estimate of cost for the 2005 seal coat street project for Monday, May 16, 2005 accepting bids until Thursday, May 12, 2005 at 2:30 pm. Roll Call Vote: Ayes: Elliott, Witt, White, Worley, Wilson. Motion carried.

- Consider agreement with Veenstra and Kimm for engineering services for public improvements related to Wal-Mart.

Moved by ELLIOTT, second by WITT, to approve the agreement with Veenstra and Kimm for engineering services for public improvements related to Wal-Mart. Roll Call Vote: Ayes: Elliott, Witt, White, Wilson, Worley. Motion carried.

- Review the request submitted by the 2005 Block Party Committee in regard to blocking of High Street from 5th Avenue to 6th Avenue on Friday, May 20, 2005 from 11:00 am – 9:00 pm for the annual block party.

Elliott commented that the city does not support underage drinking and that there will be a law enforcement presence at the event. White hoped that consideration will be given to the property owners who reside in the area.

Moved by ELLIOTT, second by WHITE, to approve the request submitted by the 2005 Block Party Committee in regard to blocking of High Street from 5th Avenue to 6th Avenue on Friday, May 20, 2005 from 11:00 am – 9:00 pm for the annual block party. Roll Call Vote: Elliott, White, Wilson, Worley, Witt. Motion carried.

- Discussion in regard to the Central Business District Project schedule and budget.

Elliott explained that the city is reviewing an amended construction schedule. The original intention was to complete one block at a time. Under that approach, only one block of businesses would be affected at one time. The contractor has requested to complete all underground work and then allow the pavers to follow immediately. This will eliminate a great portion of the mobilization costs and expedite the construction schedule. The drawback to the proposal is that more area will be under construction at one time, up to a block and a half. They would also like to reverse the direction of the paving and complete 5th Avenue first as opposed to 4th Avenue, while the weather is the most questionable. Some of the amenities are still under review. The Central Business Task Force has met and does support the approach.

Greg Roth – Veenstra and Kimm – stated that they are still working on identifying the actual reduction of cost in regard to the mobilization. Manatt's has requested a meeting as soon as possible with the engineer and the city to resolve the issue. Roth hopes that all items can be presented to the council at the second regular session in May. The change order should be adopted before construction commences.

Behrens stated that the council needs to provide consensus so staff can begin discussions with central business district business owners to notify them of the changes.

Moved by ELLIOTT, second by WILSON, to approve staff negotiations including the potential loss of amenities and change in scheduling. Roll Call Vote: Ayes: Elliott, Wilson, White, Worley, Witt. Motion carried.

- Discussion in regard to compost site user fees.

This item was tabled due to lack of time.

- Reconsideration of request from Windsor Manor Assisted Living Facility / H.R. Green Company concerning water main improvements at Pearl Street and Marvin Avenue.

The original agreement provided for a contribution of \$25,000.00 toward the entire project cost, including Marvin Avenue. The developer would only like to be responsible for the cost of construction on Pearl Street Project as the additional footage on other streets will not impact their project. The committee was not able to identify a resolution to the issue at the meeting. Elliott pointed out that if the city still provides the original amount of funding and if only the Pearl Street portion of the project is completed, the city contribution will more than pay for the improvement without any contribution from the developer.

Moved by ELLIOTT, second by WHITE, to rescind the original vote and allocation of \$25,000.00 to the project and authorize the city manager to re-negotiate the city's participation for future recommendation. Roll Call Vote: Ayes: Elliott, White, Worley, Wilson, Witt. Motion carried.

- Review of the CGA Trail agreement and project upon receipt of grant information from Region 6.

Moved by ELLIOTT, second by WITT, to approve the agreement proposed by CGA in regard to the construction of a bike trail. Roll Call Vote: Ayes: Elliott, Witt, Worley, Wilson, White. Motion carried.

The following items are still under review: the Highway 146 South – 2005 Water Connection Fee Ordinance, the Farmhand Lift Station Connection Fee Ordinance and water storage impact fees

III. Report from the Planning Committee.

- Discuss removal of the Japanese artillery piece from the cemetery and storage.

Worley reported that the cannon will be moved and placed in a secure location prior to Memorial Day and the concrete foundations will be removed.

- Discussion in regard to the tourism sign near the interstate.

Worley explained that two landowners along Interstate 80 have offered to allow Tourism to place signs to draw attention to the downtown. Menner is currently receiving cost information in regard to the development of the signs. There is no action required at this time.

- Discussion of the Highway 146 Corridor long range planning.

Worley commented in regard to the scheduling of a joint meeting between all agencies interested in the development of the Highway 146 corridor. The meeting date, time and location will be publicized once the meeting has been scheduled.

- Discussion in regard to the proposed voluntary annexations for Highway 146 South.

Staff has completed the preparation of the required petitions for voluntary annexation. They will once again meet with property owners in hope to gain their consent to move forward.

- Update on the Wal-Mart development.

The committee briefly reviewed the proposed final plat.

Moved by WORLEY, second by ELLIOTT, to conduct the second reading of Ordinance No. 1249: "AN ORDINANCE AMENDING ORDINANCE NO. 774 BY CHANGING CERTAIN DISTRICTS SHOWN ON THE OFFICIAL ZONING MAP." (The ordinance refers to Block 1 of the property and is only a portion of the property commonly referred to as the Renaud Subdivision.) Roll Call Vote: Ayes: Worley, Elliott, Witt, Wilson. Nay: White. Motion carried.

IV. Report from the Public Safety Committee.

- Discussion in regard to the ambulance service fees.

Wilson commented that discussion is ongoing with the townships in Jasper County and with the City of Oakland Acres. Hickory Grove has responded to city requests and has agreed to contribute \$0.20 per \$1,000 of valuation. The current contract with Midwest Ambulance will expire in a year and half. Behrens stated that he is attempting to contact the agencies again and will report to the committee.

Wilson commented in regard to the new volunteers that have passed required testing. The fire department now contains a full roster. Wilson stated that they may again expand the roster, due to the physical nature of the positions.

- Review of the request submitted by Jaydine Good in regard to waiving the no parking regulations on Penrose Street on Friday, May 20, 2005.

Moved by WILSON, second by WITT, to approve the request submitted by Jaydine Good in regard to waiving the no parking regulations on Penrose Street from 4th Avenue to 6th Avenue on Friday, May 20, 2005. Roll Call Vote: Ayes: Wilson, Witt, Worley, Elliott, White. Motion carried.

- Review of the request submitted by Grinnell Regional Medical Center for permission to block off a portion of Sunset Street from the south high school parking lot north to 11th Avenue on Saturday, June 4, 2005 for the Bike Rodeo.

Moved by WILSON, second by ELLIOTT, to approve the request submitted by Grinnell Regional Medical Center for permission to block off a portion of Sunset Street from the south high school parking lot north to 11th Avenue on Saturday, June 4, 2005 for the Bike Rodeo. Roll Call Vote: Wilson, Elliott, White, Witt, Worley. Motion carried.

- Review of the request submitted by the United Church of Christ in regard to the placement of a handicap parking space on the east side of the 900 block of Broad Street.

Wilson commented that the newly proposed handicap parking space plan for the central business district should accommodate the request.

- Review the request submitted by Dori Pierce – Hammen's Apparel – in regard to the placement of a handicap parking space in the central business district.

The committee will review the location of all handicap parking spaces in the central business district as construction progresses. He anticipates that all current spaces will

exist upon completion of the construction, however that some spaces will likely be placed more towards the center of the block. The committee will attempt to insure that an adequate number of spaces and varied uses will be included in the plan. The committee will report on this item at a later date.

- Review of the Iowa Homeland Security and Emergency Management Mutual Aid Compact.

Moved by WILSON, second by WITT, to approve and adopt Resolution No. 2783: "A RESOLUTION APPROVING PARTICIPATION IN THE STATEWIDE MUTUAL AID COMPACT." Roll Call Vote: Ayes: Wilson, Witt, White, Worley, Elliott. Motion carried.

- Update and evaluation of the communication tower improvements/new radio update.

Matherly commented that the new tower construction is complete and the tower is fully functional. He stated the reception is much improved. The fire department is receiving pages as far away as Newton. The old tower should be demolished within the next week.

- Review of the request submitted by Barbara Brown in regard to re-examination of the parking near the college on East and Elm Streets and 8th Avenue.

Wilson explained that parking problems on 8th Avenue resulting in congestion and poor visibility had previously forced the committee and the council to take action to correct the problem. Some individuals are still parking extremely close to the intersection and to driveways. Public parking does not limit those who are allowed to park in an area; however the vehicles must be moved in compliance with the city code. Enforcement is currently under review and the committee will report on this item again at a later date.

- Review of the ordinances proposed in regard to simple misdemeanors, permit parking and anti-scavenging.

Moved by WILSON, and WHITE, to conduct the first reading of Ordinance No. 1250: "AN ORDINANCE AMENDING CHAPTER 1, "GENERAL PROVISIONS", OF THE MUNICIPAL CODE – CITY OF GRINNELL, IOWA, TO PROVIDE FOR THE USE OF SIMPLE MISDEMEANOR CITATIONS, PUNISHABLE BY CRIMINAL PENALTIES AS PERMITTED BY THE IOWA CODE, FOR VIOLATIONS OF THE MUNICIPAL CODE – CITY OF GRINNELL, IOWA." Roll Call Vote: Ayes: Wilson, White, Witt, Worley, Elliott. Motion carried.

Moved by WHITE, second by WITT, to conduct the first reading of Ordinance No. 1251: "AN ORDINANCE AMENDING CHAPTER 13, ARTICLE IV, "PARKING", OF THE MUNICIPAL CODE – CITY OF GRINNELL, IOWA, TO ESTABLISH A PARKING PERMIT SYSTEM AND DESIGNATE AN AREA WITHIN THE CITY OF TO ALLOW PERMIT PARKING AND PROVIDE PENALTIES FOR VIOLATION OF THE PERMIT PARKING." Roll Call Vote: Ayes: White, Witt, Wilson, Elliott, Worley. Motion carried.

Moved by WHITE, second by WILSON, to conduct the first reading of Ordinance No. 1252: "AN ORDINANCE AMENDING CHAPTER 18.5, "SOLID WASTE", OF THE MUNICIPAL CODE – CITY OF GRINNELL, IOWA, TO PROHIBIT SCAVENGING OF GARBAGE, REFUSE, RUBBISH OR RECYCLING MATERIAL THAT HAS BEEN PLACED IN A DESIGNATED CONTAINER OR RECEPTACLE FOR DISPOSAL."

Discussion on the motion was called by Worley. He objected to the wording of the ordinance not specifically stating the exceptions. Wilson stated the intent of the ordinance to address the downtown area and people going through the dumpsters. The law is likely to be enforced on a complaint basis. Worley still feels the law could be misinterpreted or misconstrued.

Roll Call Vote: Ayes: White, Wilson. Nays: Elliott, Worley, Witt. Motion failed.

The item was moved to Planning Committee by consensus.

- Discussion regarding noon whistle options.

This item will be discussed at the next meeting.

V. Mayor's Committee Appointment Recommendations:

- The Mayor continues to work on this item.

NEW BUSINESS: None.

FINAL READING OF THE ORDINANCES:

Final Reading of the Ordinance:

Moved by ELLIOTT, second by WHITE, to approve and adopt Ordinance No. 1248: "AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF GRINNELL, IOWA BY AMENDING PROVISIONS PERTAINING TO CHAPTER 22, ARTICLE II, SECTION 22-44 (Customer Utility Deposits.)" Roll Call Vote: Ayes: Elliott, White, Wilson, Worley, Witt. Motion carried.

APPROVAL AND ADOPTION OF THE RESOLUTION:

Moved by WITT, second by WORLEY, to approve and adopt Resolution No. 2784: "A RESOLUTION TO APPROVE IMPROVEMENT PROJECTS AS SUBMITTED FOR PROPERTY AND REQUEST TAX EXEMPTION FOR THIS IMPROVEMENT ACCORDING TO CHAPTER 404 OF THE STATE CODE (Mark Collum, 609, 611, 613, 615 Marvin Avenue.)" Roll Call Vote: Ayes: Witt, Worley, Elliott, Wilson, White. Motion carried.

INQUIRIES:

Lucille Ahrens – appreciated hearing the comments during the meeting, however is concerned about the corner of 5th Avenue and Broad Street during the central business district re-construction. She has met with Alliant Energy in regard to the gas lines and needed easements. Ahrens is not happy with the parking and the flow of traffic through the intersection. Ahrens also commented in regard to the garbage and recycling that blows on to her property. She has picked them up and placed them in a garbage bag, however she is not sure that the items are eligible for recycling Wilson clarified that the sticker references recycling, however it is for placement on non-recyclable materials.

REPORT FROM THE CITY MANAGER:

Behrens stated the Arbor Lake Committee will be meeting and that the separator project has come in under budget. With the funding remaining from the project, the city will complete other items such as signage and a possible bike trail. An amended project budget will have to be submitted and approved. The county has contacted staff in regard to consolidating polling precincts for voting. Behrens is trying to accommodate the request, but the final decision for the location of polls is up to the county. Elliott commented the in regard to the amount savings to the county taxpayers if the consolidation can be accomplished. Wilson agreed that the thought process is logical.

ADJOURN:

Moved by WHITE, second by ELLIOTT, to adjourn this regular session of the Grinnell City Council at 8:59 pm. Vote: (5) ayes, motion carried.

ATTEST:

Gordon Canfield, Mayor

Cassandra R. Hage, City Clerk